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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION				
P.O. BOX 506				
MERRIFIELD, VA 22116				
EXAMINER				
CHOWDHURY, NIGAR				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
12/31/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com

Patent.admin.uspto.Rcv@naipo.com

mis.ap.uspto@naipo.com.tw

Office Action Summary

Application No.

10/711,914

Applicant(s)

CHENG ET AL.

Examiner

NIGAR CHOWDHURY

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 11-19 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/13/2008 have been fully considered but they are not persuasive.
2. In re pages 6-7, applicant argues that Nakamura fails to disclose determining a mixing energy ratio for each of the plurality of segments according to the audio analysis, interpolating the mixing energy ratio for each of the plurality of segments to produce a mixing energy ratio profile, and applying the mixing energy ratio profile to the session of video footage, as recited in claim 1.

In response, the examiner respectfully disagrees. Nakamura discloses in fig. 1-12, paragraph 0035-0044 that ".....proxy editing terminal device.... decodes the low-resolution video/audio data ...read from the proxy server....displays video based on the video/audio data of thus obtained baseband on a display. As a result, the operator can create an EDL which is an edit list for only cut editing while visually confirming the video being displayed on the display.....while visually confirming the video, the operator can create a final edit list including setting the video special effects and audio mixing, newly or by using an EDL created with a proxy editing terminal....video/audio material being recorded on video tapes or the like can be taken in the local storage units...as clips via the video tape recorders ...and used for editing.....the operator finishes to create the edit list and enters a command to execute this edit list, the editing terminal devicesequentially reads the corresponding high-resolution video/audio data.... from the data I/O cache unit.... Based on the edit list, applies, if required, special effects and

audio mixing to the high-resolution video/audio data....sends thus obtained edited video/audio data to the material server.....", paragraph 0056-0073 that ".....a case where a clip pasted on the time line window... is composed of one cut video and two cut audio accompanied with the cut video....the colored area Indicating the cut video and the colored areas ... indicating the cut audio are shown on the time line....", paragraph 0117-0128 that ".....when the operator creates an edit list, if he/she desires to apply audio mixing to audio of a cut or a clip passed to an audio track.....the desired audio mixing can be set in the following manner.....the operator moves the play line...being displayed in the time line part ...of the time line editor window...to the colored area... corresponding to a desired cut or clip to be subjected to the audio mixing, out of the cuts or clips pasted to the audio tracks... and then clicks an audio mixer button....of the button group ...locating at the upper part of the time line part.....an audio mixer window....is displayed in which a plurality of mixing parts ...each having a volume...a level meter....various setting buttonsare provided in correspondence with the audio tracks...of the time line.....for outputting edited audio, such setting has been done that the audio mixing should be applied, based on the details set....to the audio data at a time of playback of the audio part pasted to the audio track....", Nakamura discloses editing of video which is divided into plurality of segments according to audio analysis, mixing a video and audio and making a final edit list including setting the video special effects and audio mixing, newly or by using an EDL created, and apply video special effects and audio mixing to the video segments.

3. Claims 3, 4, 6, 7, 11, 12, 15-19 are rejected for the same reason as discussed in the paragraph 2 above.
4. Claims 5, 13, 14 are rejected for the same reason as discussed in the paragraph 2 above.
5. Applicant's arguments with respect to part of claim 1 which has a limitation of footage is analyzed with respect to predefined auditory patterns and non-predefined auditory patterns, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-4, 6-7, 11-12, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20050025454 by Nakamura et al. in view of GB 2387710A by Arredondo et al. and US 7,248,778 by Anderson et al.
7. Regarding **claim 1**, Nakamura discloses a method for implementing an adaptive mixing energy ratio in an image-editing environment, comprising the following steps:
 - applying at least one audio analysis technique to a session of video stored in a computer readable media for performing an analysis wherein the

footage is analyzed with respect to predefined auditory patterns (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128);

- determining a mixing energy ratio for each of the plurality of segments according to the audio analysis (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128)
- interpolating the mixing energy ratio for each of the plurality of segments to produce a mixing energy ratio profile (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128)
- applying the mixing energy ratio profile to the session of video (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128).

Nakamura fails to disclose the footage is analyzed with respect to non-predefined auditory patterns, demarcating the session of video footage into a plurality of segments

Arredondo discloses demarcating the session of video footage into a plurality of segments (see abstract, page 4 lines 18-page 6 lines 12)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Nakamura's system to include a demarcating, as taught by Arredondo, of video footage into plurality of segments for easy editing purpose.

Nakamura and Arredondo both fail to disclose the footage is analyzed with respect to non-predefined auditory patterns

Anderson discloses the footage is analyzed with respect to non-predefined auditory patterns (fig. 4, col. 5 lines 43-61)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Nakamura and Arredondo's system to include a non-predefined auditory patterns, as taught by Anderson, for having more flexibility to a user while they are editing and listing.

8. Regarding **claim 3**, Nakamura discloses the method comprising applying at least a video analysis technique to a session of video footage (Arredondo, see abstract) stored in a computer readable media for performing an analysis (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128).

9. Regarding **claim 4**, Nakamura discloses the method wherein the footage is analyzed by audio analysis techniques, video analysis techniques, or a combination of audio and video analysis techniques (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128).

10. Regarding **claim 6**, Arredondo discloses the method wherein the demarcating step comprises demarcating the session of video footage into a plurality of segments based on contents of the footage (see abstract, page 4 lines 18-page 6 lines 21).

11. Regarding **claim 7**, Nakamura discloses the method wherein the analysis returns predetermined parameters corresponding to properties of the footage for each of the

plurality of segments (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128).

12. Regarding **claim 11**, Nakamura discloses the method step further comprising analyzing the footage with respect to predefined video patterns and non-predefined video patterns (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128).

13. Regarding **claim 12**, Nakamura discloses the method wherein the mixing energy ratio is a ratio of an audio energy of a first soundtrack to an audio energy of a second soundtrack (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0114-0128).

14. Regarding **claim 15**, Nakamura discloses the method wherein the first soundtrack and the second soundtrack each comprise a plurality of channels (paragraph 0107).

15. Regarding **claim 16**, Nakamura discloses the method wherein the determining step comprises determining an average mixing energy ratio point for each of the plurality of segments (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0114-0128).

16. Regarding **claim 17**, Nakamura discloses the method wherein the determining step comprises determining a plurality of mixing energy ratio points for each of the

plurality of segments (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0114-0128).

17. Regarding **claim 18**, Nakamura discloses the method wherein the step of applying the mixing energy ratio profile to the session of video footage comprises applying an adaptive mixing energy ratio to segments of special interest and applying an average mixing energy ratio to remaining segments of the session of video footage (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0114-0128).

18. Regarding **claim 19**, Nakamura discloses the method wherein the interpolating step comprises interpolating the mixing energy ratio for each of the plurality of segments to produce a mixing energy ratio profile, the maximum gradient of the mixing energy ratio profile being limited according to a predefined limit (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0114-0128).

19. Claims 5, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20050025454 by Nakamura et al., GB 2387710A by Arredondo et al. and US 7,248,778 by Anderson et al.

20. Regarding **claim 5**, Nakamura discloses analysis technique (fig. 1-12, paragraph 0035-0044, paragraph 0056-0073, 0117-0128), Arredondo discloses the method wherein step comprises demarcating the session of video footage into a plurality of

segments (see abstract, page 4 lines 18-page 6 lines 21), Anderson discloses non-predefined auditory patterns (fig. 4, col. 5 lines 43-61) but fail to teach demarcating of video based on predetermined run-time lengths.

It is noted that the use of demarcating of video based on predetermined run-time lengths is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known demarcating of video based on predetermined run-time lengths for a user to have more flexibility to do edition of video.

21. Regarding **claim 13**, Nakamura discloses different soundtrack, Arredondo discloses demarcating of session, Anderson discloses non-predefined auditory patterns but fail to disclose the method wherein the first soundtrack is a speech soundtrack or a music soundtrack.

It is noted that the use speech soundtrack or music soundtrack is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known speech soundtrack or music soundtrack for user to use different soundtrack in editing system

22. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 13 above.

Allowable Subject Matter

Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
12/05/2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621